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10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ANGELO HARPER JR.,

17 Defendant.  
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No. CR 15-00595-RGK

OPPOSITION TO DEFENDANT'S MOTION  
IN LIMINE TO EXCLUDE GOVERNMENT  
EXPERT TESTIMONY

Trial Date: July 19, 2016  
Trial Time: 9:00 a.m.  
Location: Courtroom of the  
Hon. R. GARY  
KLAUSNER

**TABLE OF CONTENTS**

<u>DESCRIPTION</u>	<u>PAGE</u>
TABLE OF AUTHORITIES.....	ii
I. INTRODUCTION.....	1
II. BACKGROUND.....	2
A. In January 2014, Law Enforcement Uncovered Defendant's Possession of Hundreds of Child Pornography Images and Videos.....	2
B. In August 2015, Law Enforcement Uncovered Defendant's Possession, Distribution, and Advertisement of Hundreds Of Additional Child Pornography Images and Videos.....	2
C. The Indictment Charged Defendant's Child Pornography Crimes in 2014 and 2015.....	3
D. More Than Two Weeks Before Trial, the Government Notified Defendant of Its Intent to Call David Jones as an Expert Witness.....	4
E. Promptly After Defendant's Guilty Plea, the Government Filed a Motion in Limine Identifying the Images that It Planned to Admit and Publish at Trial.....	5
F. Defendant Filed the Instant Motion Only Hours After Requesting, For the First Time, That the Government Identify the Images and Videos That Would Be the Subject of Mr. Jones' Expert Testimony.....	5
G. The Government Promptly Provided the Requested Information.....	6
III. ARGUMENT.....	6
A. The Notice Complied with Rule 16(a)(1)(G).....	6
B. The Notice Requirement Does Not Apply to SA McCall's Expected Testimony.....	10
IV. CONCLUSION.....	11

**TABLE OF AUTHORITIES**

**CASES**

<u>States v. Brown</u> , 785 F.3d 1337 (9th Cir.2015).....	7
<u>United States v. Cheek</u> , 740 F.3d 440 (7th Cir.), cert. denied, 134 S. Ct. 2152 (2014).....	9
<u>United States v. Freeman</u> , 498 F.3d 893 (9th Cir. 2007).....	9
<u>United States v. Nacchio</u> , 519 F.3d 1140 (10th Cir. 2008).....	7
<u>United States v. Phillips</u> , 146 F. Supp. 3d 837 (E.D. Mich. 2015)....	7
<u>United States v. Wright</u> , 625 F.3d 583 (9th Cir. 2010).....	7

**RULES**

18 U.S.C. § 2251.....	3
18 U.S.C. § 2252A.....	3



1 **II. BACKGROUND**

2 **A. In January 2014, Law Enforcement Uncovered Defendant's**  
3 **Possession of Hundreds of Child Pornography Images and**  
4 **Videos.**

5 After investigating a tip from Dropbox - which provides online  
6 or "cloud" storage for computer files - that a Dropbox account  
7 contained child pornography, law enforcement executed a warrant at  
8 defendant's residence on January 14, 2014. Law enforcement seized a  
9 number of defendant's electronic devices and later found that those  
10 devices contained more than 300 images and two videos of child  
11 pornography. Law enforcement also found images and video of child  
12 pornography in defendant's Dropbox account.

13 **B. In August 2015, Law Enforcement Uncovered Defendant's**  
14 **Possession, Distribution, and Advertisement of Hundreds Of**  
15 **Additional Child Pornography Images and Videos.**

16 On October 8, 2015, SA McCall used an iPad to connect to the  
17 Internet, log onto an undercover Kik Messenger account, and enter the  
18 #NEPILOVERS chatroom. Thereafter, SA McCall found, among other  
19 things, evidence that the chatroom user "CM8JIAW4" had advertised  
20 nine images and a video of child pornography in the chatroom between  
21 August 26, 2015, and October 11, 2015.

22 Among these advertisements, SA McCall found that on August 26,  
23 2015, CM8JIAW4 posted an image that shows, underneath its infant  
24 subject, a piece of paper displaying the message "WAN2TR."<sup>1</sup> Later  
25 that same day, CM8JIAW4 also posted the comment: "I have tons of pics  
26 and vids of little boys and girls. Pm me for chat and trade of kids

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27 <sup>1</sup> At the time this image was taken, the message "WAN2TR"  
28 possibly read in full "WAN2TRADE"; but the remaining letters in that  
message, if any, are obscured in the image.

1 under 6 [winking face emoji]."<sup>2</sup> Law enforcement later found that the  
2 CM8JIAW4 account belonged to defendant.

3 The government anticipates that SA McCall will testify at trial  
4 that, based on his investigation of the #NEPILOVERS chatroom, (1) the  
5 message "WAN2TR" was intended as an invitation to trade, and thus an  
6 advertisement for, child pornography, and (2) the term "Pm" is  
7 shorthand for "private message," which is a feature of the Kik  
8 Messaging application that allows users to exchange private messages  
9 that are not disclosed to other chatroom participants.

10 On October 13, 2015, law enforcement executed a search warrant  
11 at defendant's residence and seized several of his electronic  
12 devices, including an iPhone and an HTC Evo Shift smartphone. Those  
13 devices contained at least 2,380 images and 372 videos of child  
14 pornography.

15 **C. The Indictment Charged Defendant's Child Pornography Crimes**  
16 **in 2014 and 2015.**

17 On October 28, 2015, the government filed an indictment against  
18 defendant. (Dkt. No. 11) Counts one and two of the indictment charged  
19 defendant with advertisement of child pornography in violation of  
20 18 U.S.C. §§ 2251(d)(1)(A), (e), and distribution of child  
21 pornography in violation of 18 U.S.C. §§ 2252A(a)(2)(A), (b)(1),  
22 respectively. Both of these counts arose from law enforcement's 2015  
23 investigation of defendant. In addition, the indictment charged  
24 defendant in count three with possession of child pornography in  
25 violation of 18 U.S.C. §§ 2252A(a)(5)(B), (b)(2). This count arose  
26 from law enforcement's 2014 investigation of defendant.

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27 <sup>2</sup> An "emoji" is a small digital picture or pictorial symbol that  
28 represents a thing, feeling, or concept, used in text messages and  
other electronic communications.

**D. More Than Two Weeks Before Trial, the Government Notified Defendant of Its Intent to Call David Jones as an Expert Witness.**

On or before June 28, 2016, defendant's counsel informed the government that defendant would possibly "plea open" to counts two and three in the indictment, thus substantially affecting the nature of the evidence, including child pornography images, that the government would be required to present at trial. (See attached Declaration of George E. Pence ("Pence Decl.") ¶ 2.) Out of an abundance of caution, the government did not wait until defendant made his final decision to provide expert notice. Instead, on June 29, 2016, the government notified defendant of its intent to call Mr. Jones as an expert witness (the "Notice"). (Pence Decl. ¶ 2, Ex. A.) The Notice stated:

David Jones is expected to testify in general about digitally-created and manipulated computer images, including composite images, morphed images, and computer generated images. More specifically, he is expected to testify that he has viewed select movie and image files showing child pornography found on defendant's digital devices and that, in his expert opinion, they depict actual persons and are not the result of compositing, morphing, or computer generation.

Mr. Jones' opinion regarding digitally-created and manipulated computer images is based on his specialized training in such technology and his experience working in computer animated graphics. We are obtaining an updated *curriculum vitae* for Mr. Jones, which will contain his qualifications, and will provide that to you upon receipt. Mr. Jones charges \$500/hour

1 for his services. He has not prepared any reports, but if he  
2 does so, we will forward them to you as well.

3 (Id.) The government provided Mr. Jones' curriculum vitae to  
4 defendant on July 6, 2016. (Id. ¶ 3, Ex. B.)

5 **E. Promptly After Defendant's Guilty Plea, the Government**  
6 **Filed a Motion in Limine Identifying the Images that It**  
7 **Planned to Admit and Publish at Trial.**

8 On July 12, 2016, defendant pleaded guilty to count two,  
9 distribution of child pornography, and count three, possession of  
10 child pornography, and filed a Waiver of Trial by Jury and Waiver of  
11 Special Findings of Fact, which the Court approved on July 13, 2016.  
12 The sole charge at issue in this trial, therefore, is count one,  
13 advertisement of child pornography.

14 On July 13, 2016, the government filed its Motion *in Limine*  
15 No. 1 to Admit, and Permit Publication of, Child Pornography Images.  
16 (Dkt. No. 47.) That motion identified the handful of child  
17 pornography images, clips of videos, and video stills that the  
18 government planned to offer at trial in light of defendant's guilty  
19 plea. (Id. at pp. 1-2.) The motion explained that defendant had  
20 advertised the images and video in the #NEPILOVERS chatroom, and that  
21 defendant had also possessed versions of those images and video on  
22 his electronic devices. (Id.)

23 **F. Defendant Filed the Instant Motion Only Hours After**  
24 **Requesting, For the First Time, That the Government**  
25 **Identify the Images and Videos That Would Be the Subject of**  
26 **Mr. Jones' Expert Testimony.**

27 At 2:23 p.m. (PST) on July 14, 2016, Deputy Federal Public  
28 Defender ("DFPD") Rachel Rossi sent undersigned counsel for the  
government an email requesting that the government identify the  
"select movie and image files [Mr. Jones] has viewed and will testify



1 about." (Pence Decl. ¶ 5.) Less than eight hours after DFPD Rossi  
2 sent her email, defendant filed the instant Motion. (Id.)

3 **G. The Government Promptly Provided the Requested Information.**

4 At 6:23 a.m. (PST) the following day, the government provided  
5 DFPD Rossi with the information she had requested. Specifically, the  
6 government informed DFPD Rossi:

7 Please be advised that the government anticipates offering David  
8 Jones' expert opinion specifically concerning (1) three images  
9 found on defendant's iPhone, redacted versions of which I showed  
10 to you yesterday at my office, which images appear to be  
11 visually similar to the images defendant posted in the  
12 #NEPILOVERS chatroom, and (2) the video posted by defendant in  
13 the #NEPILOVERS chatroom on October 7, 2015, clips of which I  
14 also showed you yesterday at my office.

15 (Pence Decl. ¶ 6.)

16 **III. ARGUMENT**

17 **A. The Notice Complied with Rule 16(a)(1)(G)**

18 Defendant argues that the Notice is deficient because (1) it  
19 does not identify the particular images and video that will be the  
20 subject matter of Mr. Jones's expert testimony and (2) the terms  
21 "compositing," "morphing" and "computer generated" in the Notice are  
22 undefined. Defendant's argument is makeweight.

23 Under Rule 16(a)(1)(G), the government must provide a "summary"  
24 of "the [expert] witness's opinions, the bases and reasons for these  
25 opinions, and witness qualifications." Rule 16 contains no deadline  
26 to make the required disclosure. Instead, the Advisory Committee  
27 Notes make clear that the requirement "is intended to minimize  
28 surprise that often results from unexpected expert testimony, reduce

1 the need for continuances, and to provide the opponent with a fair  
2 opportunity to test the merit of the expert's testimony through  
3 focused cross-examination." Fed. R. Crim. Proc. 16 (Advisory  
4 Committee Notes, 1993 Amendment).

5 Thus, the notice period need not be lengthy. E.g., United States  
6 v. Wright, 625 F.3d 583, 617 (9th Cir. 2010) ("Wright was given a  
7 total of eleven days (seven business days) prior to the start of  
8 trial to rebut the government's evidence. This was more than enough  
9 time."), superseded by statute on other grounds, as recognized by  
10 United States v. Brown, 785 F.3d 1337, 1351 (9th Cir. 2015).

11 Furthermore, the notice need not include "extensive discussion"  
12 of the bases of the witnesses' expected testimony. E.g., United  
13 States v. Nacchio, 519 F.3d 1140, 1151 (10th Cir. 2008) ("The  
14 district court's belief that Rule 16 also requires extensive  
15 discussion of a witness's methodology was incorrect, and its  
16 exclusion of the evidence an abuse of discretion."), vacated in part  
17 on other grounds on reh'g en banc, 555 F.3d 1234 (10th Cir. 2009).  
18 This is especially true in cases such as this one, where the expert's  
19 opinion is based on experience, training, and observation, not on  
20 scientific or laboratory analysis. E.g., United States v. Phillips,  
21 146 F. Supp. 3d 837, 842 (E.D. Mich. 2015) ("Considering that the  
22 notice provided the witness's Curriculum Vitae, and also explained  
23 that the witness has examined hundreds of firearms and firearms  
24 components in his career, the Court finds that the Government has  
25 provided sufficient basis for his opinion." (internal quotation marks  
26 and citations omitted)).

27 Here, the government's Notice satisfied the requirements of Rule  
28 16(a)(1)(G). The Notice made clear weeks ago the government's

1 intention to offer Mr. Jones' expert testimony that images found on  
2 defendant's electronic devices, which Mr. Jones had viewed, depicted  
3 "actual persons" and that this testimony would be based on Mr. Jones'  
4 experience working in computer animated graphics. Now that defendant  
5 has pleaded guilty to counts two and three in the indictment, the  
6 government need not prove at trial a visual depiction of an actual  
7 minor, because neither defendant's possession nor his distribution of  
8 such a visual depiction is an element of the offense of advertising  
9 child pornography. See Government's Trial Memorandum (Dkt. No. 48).  
10 Mr. Jones' testimony, however, is still relevant to the advertising  
11 charge. It confirms that defendant's August 26, 2016, advertisements  
12 offered to trade visual depictions of actual minors engaged in  
13 sexually explicit conduct and defeats any suggestion that the  
14 advertisements were actually intended to offer for trade computer-  
15 generated images of children.

16       The government's decision not to include the specific images and  
17 video upon which it would rely at trial in the Notice was not a  
18 tactic designed to frustrate defendant's preparation of his case. To  
19 the contrary, that omission reflected the realities of the case at  
20 the time the Notice was sent. Defendant's electronic devices seized  
21 during two separate investigations contained hundreds of child  
22 pornography images. Before the government sent the Notice,  
23 defendant's counsel had advised the government that defendant would  
24 possibly plea to counts two and three, but that a final decision had  
25 not been made. Thus, at the time the Notice was sent, there was  
26 uncertainty as to what evidence of actual images of minors, if any,  
27 the government would have to prove at trial, and there were hundreds  
28 of images that the government could potentially rely upon. This

1 uncertainty was not resolved until defendant pleaded guilty to counts  
2 two and three in the indictment on July 12, 2016, promptly after  
3 which the government advised defendant of the images that would be  
4 the subject matter of Mr. Jones' testimony.

5 In any event, upon receiving the Notice, Defendant could have  
6 retained and designated a rebuttal expert. That expert could have  
7 examined all of defendant's electronic devices – which the government  
8 made available to defendant for inspection before it sent the Notice  
9 – and come to his or her own conclusions about whether the images  
10 contained on those devices depicted actual minors.<sup>3</sup> Alternatively,  
11 defendant could have retained and designated such an expert and had  
12 that expert on call to examine any images and video that the  
13 government ultimately designated for use at trial. If defendant had  
14 concerns about the timing of that designation, he could have made  
15 those concerns known to the government before July 14, 2016. He did  
16 not. Instead, defendant waited until July 14, 2016, which was the  
17 first time defendant raised any issue about Mr. Jones. Defendant's  
18 lack of diligence does not justify the exclusion of Mr. Jones'  
19 testimony.

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22 <sup>3</sup> Defendant should not be heard to argue that the volume of that  
23 work would have been unreasonable for his expert to perform, because  
24 defendant – not the government – is responsible for the hundreds of  
25 images and videos contained on his electronic devices. In any event,  
26 no later than July 6, 2016, the government notified defendant of  
27 specific images and video that it viewed as relevant to the  
28 advertising charge (i.e., the images and video defendant advertised  
in the #NEPILOVERS chatroom), and of the fact that those images and  
video were found on defendant's iPhone and HTC Evo Shift mobile  
phone. (Pence Decl. ¶ 4.) Defendant might have retained an expert to  
examine those images and video – which are the same images and video  
that are the subject matter of Mr. Jones' expected testimony – any  
time after July 6, 2016. But he did not.

1 Defendant also claims that the Notice was deficient because the  
 2 terms "compositing," "morphing" and "computer generation" are  
 3 undefined. These are plain English words and can be understood with  
 4 reference to a common dictionary.<sup>4</sup>

5 **B. The Notice Requirement Does Not Apply to SA McCall's**  
 6 **Expected Testimony.**

7 It is well-established that a law enforcement officer may offer  
 8 lay testimony about his interpretation of ambiguous conversations  
 9 based on his direct knowledge of the investigation of those  
 10 conversations if those opinions would be helpful to the trier of  
 11 fact. United States v. Freeman, 498 F.3d 893, 904 (9th Cir. 2007)  
 12 (affirming district court's admission of such testimony); United  
 13 States v. Cheek, 740 F.3d 440, 447 (7th Cir.), cert. denied, 134 S.  
 14 Ct. 2152 (2014) ("When a law enforcement officer testifies about the  
 15 meaning of drug code words used by defendants based on personal  
 16 knowledge obtained from the investigation of those defendants, the  
 17 officer is testifying as a lay witness.").

18 Here, SA McCall will testify as a lay witness based on his  
 19 direct knowledge of the investigation of defendant's advertisements  
 20 in the #NEPILOVERS chatroom. Outside the context of the #NEPILOVERS  
 21 chatroom, the terms "Pm" and "WANT2TR" are ambiguous; they derive  
 22

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23 <sup>4</sup> Compositing. Dictionary.com Unabridged. Random House, Inc.  
 24 <http://www.dictionary.com/browse/compositing> (accessed: July 16,  
 25 2016) ("made up of disparate or separate parts or elements" and  
 26 citing as an example a "composite drawing"); morphing. Dictionary.com  
 27 Unabridged. Random House, Inc.  
 28 <http://www.dictionary.com/browse/morphing> (accessed: July 16, 2016)  
 ("the smooth transformation of one image into another by computer, as  
 in a motion picture"); computer generated. Collins English  
Dictionary.  
[http://www.collinsdictionary.com/dictionary/english/computer-](http://www.collinsdictionary.com/dictionary/english/computer-generated)  
 generated (accessed: July 16, 2016) ("produced by a computer  
 program").

1 their unambiguous meaning in this case by virtue of defendant's use  
2 of those terms in the chatroom. SA McCall's interpretation of those  
3 terms based on his direct investigation of defendant's crimes in that  
4 chatroom therefore constitutes admissible lay testimony. Freeman,  
5 498 F.3d at 905. There is therefore no requirement that the  
6 government provide notice of that testimony under Rule 16(a)(1)(G).  
7 Consistent with this conclusion, the government expressly stated in  
8 its Trial Memorandum that expert notice was not required for SA  
9 McCall's testimony but that such notice was being provided out of an  
10 abundance of caution.

11 **IV. CONCLUSION**

12 The government respectfully requests that the Court deny  
13 defendant's Motion.

14  
15 Dated: July 17, 2016

Respectfully submitted,

16 EILEEN M. DECKER  
United States Attorney

17 LAWRENCE S. MIDDLETON  
18 Assistant United States Attorney  
Chief, Criminal Division

19  
20 /s/  
GEORGE E. PENCE  
21 A. CARLEY PALMER  
22 Assistant United States Attorneys

23 Attorneys for Plaintiff  
UNITED STATES OF AMERICA  
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**DECLARATION OF GEORGE E. PENCE**

I, GEORGE E. PENCE, declare as follows:

1. I am an Assistant United States Attorney and trial counsel for the government in United States v Angelo Harper Jr., CR 15-00595-RGK. I have knowledge of the facts set forth herein and could and would testify to those facts fully and truthfully if called and sworn as a witness.

2. On or before June 28, 2016, Deputy Federal Public Defender ("DFPD") Rachel Rossi informed me that defendant would possibly "plea open" to counts two and three in the indictment, thus substantially affecting the nature of the evidence, including child pornography images, that the government would be required to present at trial. Out of an abundance of caution, I did not wait until defendant made his final decision to provide expert notice. Instead, on June 29, 2016, I sent DFPD Rossi a letter (the "Notice") notifying her of the government's intent to call David Jones as an expert witness. A true and correct copy of that letter is attached hereto as Exhibit A.

3. On July 6, 2016, I sent a copy of Mr. Jones' curriculum vitae to DFPD Rossi via email. A true and correct copy of that email is attached hereto as Exhibit B.

4. On July 7, 2016, I sent an email to DFPD Rossi responding in writing to her request for clarification as to "whether evidence concerning counts 1 and 2 was located on the devices searched (sic) from the Moreno Valley residence in 2015." In pertinent part, that email to DFPD Rossi stated:

As detailed in the reports of investigation that have been produced to defendant, evidence concerning counts 1 and 2 was

1 located on defendant's electronic devices, which were seized on  
2 October 13, 2015, from his Moreno Valley residence.

3 Investigating agents found child pornography on defendant's  
4 iPhone, the 2GB memory card inside defendant's HTC EVO mobile  
5 phone, defendant's Dell XPS, and defendant's Dell Mini. See  
6 HAJ000600-HAJ000607 (SA Ruiz's report of investigation  
7 concerning these electronic devices).

8 This electronic evidence, however, is not the only evidence  
9 supporting those counts. Such evidence also includes, but is  
10 not limited to, defendant's statements in both 2014 and 2015 to  
11 investigating agents; child pornography seized from defendant's  
12 electronic devices and Dropbox account in 2015; business records  
13 obtained from Dropbox, Time Warner Cable, and Kik; screenshots  
14 evidencing defendant's advertising and distribution of child  
15 pornography in the #NEPILOVERS chatroom; and the testimony of  
16 agents and expert witnesses.

17 Moreover, the screenshots from SA McCall's iPad showing  
18 defendant's advertisement of child pornography on Kik show child  
19 pornography images labeled "Camera" and "Gallery" in their upper  
20 left hand corner. All of those images were found on defendant's  
21 iPhone, except the image posted to the group on August 26, 2015,  
22 which shows anal penetration of an infant with a sign in the  
23 background reading "WAN2TR." In addition, the screenshots also  
24 show defendant posted a video, entitled  
25 "2yo\_boy\_Toddler\_Baby\_Raamat\_fucks\_and\_swallows.avi." Parts of  
26 that video were found on defendant's HTC Evo phone.

27 5. At 2:23 p.m. (PST) on July 14, 2016, DFPD Rossi sent me an  
28 email requesting that the government identify the "select movie and



1 image files [Mr. Jones] has viewed and will testify about." Less than  
2 eight hours after DFPD Rossi sent that email, defendant filed the  
3 instant Motion. At no time before filing the motion did defendant or  
4 his counsel request that I clarify the meaning of the words  
5 "compositing," "morphing," or "computer generation" as they appear in  
6 the Notice.

7 6. At 6:23 a.m. (PST) on July 15, 2016, I provided written  
8 notice to DFPD Rossi of the specific images and video that the  
9 government anticipates will be the subject matter of Mr. Jones'  
10 testimony. That notice stated:

11 Please be advised that the government anticipates offering David  
12 Jones' expert opinion specifically concerning (1) three images  
13 found on defendant's iPhone, redacted versions of which I showed  
14 to you yesterday at my office, which images appear to be  
15 visually similar to the images defendant posted in the  
16 #NEPILOVERS chatroom, and (2) the video posted by defendant in  
17 the #NEPILOVERS chatroom on October 7, 2015, clips of which I  
18 also showed you yesterday at my office.

19 I declare under penalty of perjury under the laws of the United  
20 States of America that the foregoing is true and correct and that  
21 this declaration is executed at Los Angeles, California, on July 16,  
22 2016.

23  
24   
25 GEORGE E. PENCE  
26  
27  
28

## **EXHIBIT A**



## United States Department of Justice

### United States Attorney's Office Central District of California

AUSAs George Pence / Carley Palmer  
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June 29, 2016

#### **VIA E-MAIL**

Rachel Alexandra Rossi  
Deputy Federal Public Defender  
321 East 2<sup>nd</sup> Street  
Los Angeles, CA 90012-4202  
Email: Rachel\_Rossi@fd.org

Re: United States v. Harper,  
CR No. 15-595-RGK

Dear Counsel:

Pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, the government hereby discloses that it intends to use expert testimony of David Jones, Dennis Reneau, Christopher Landi, and Oladele Salaam under Federal Rules of Evidence 702, 703, or 705.

#### **I. David Jones**

David Jones is expected to testify in general about digitally-created and manipulated computer images, including composite images, morphed images, and computer generated images. More specifically, he is expected to testify that he has viewed select movie and image files showing child pornography found on defendant's digital devices and that, in his expert opinion, they depict actual persons and are not the result of compositing, morphing, or computer generation.

Mr. Jones' opinion regarding digitally-created and manipulated computer images is based on his specialized training in such technology and his experience working in computer animated graphics. We are obtaining an updated curriculum vitae for Mr. Jones, which will contain his qualifications, and will provide that to you upon receipt. Mr. Jones charges \$500/hour for his services. He has not prepared any reports, but if he does so, we will forward them to you as well.

#### **II. CFA Dennis Reneau**

Computer Forensic Analyst ("CFA") Dennis Reneau is expected to testify regarding the forensic copies he made of digital devices—namely, a Lacie external hard disk drive, a Dell computer tower and Seagate HDD, and Apple iPhone—seized pursuant to the search warrant that was executed on January 16, 2014, at defendant's residence. Specifically, CFA Reneau is expected to testify about the content of those digital devices; the location of certain text, image, and video files on those devices; whether those files reside in allocated or unallocated space; and when and

Rossi  
RE: U.S. v. Harper, 15-595-RGK  
June 29, 2016  
Page 2

how those files were created or placed on the devices. The government anticipates that his testimony would be primarily that of a percipient witness. Nevertheless, the government hereby also provides expert notice of CFA Reneau's testimony in an abundance of caution. This testimony will be based upon his specialized training and experience in the field of computer forensics. CFA Reneau's testimony is expected to be consistent with his report previously produced at HAJ000055–HAJ000072. His curriculum vitae is attached hereto.

### **III. SA Christopher Landi**

SA Christopher Landi is expected to testify regarding the forensic copy he made of a Sprint HTC PG06100 EVO Shift 4G phone seized pursuant to the search warrant that was executed October 13, 2015, at defendant's residence. Specifically, SA Landi is expected to testify about the content of that digital device; the location of certain text, image, and video files on that device; whether those files reside in allocated or unallocated space; and when and how those files were created or placed on the device. The government anticipates that his testimony will be primarily that of a percipient witness. Nevertheless, the government hereby also provides expert notice of SA Landi's testimony in an abundance of caution. This testimony would be based upon his specialized training and experience in the field of computer forensics. His curriculum vitae is attached hereto. He has not prepared any reports, but if he does so, we will forward them to you.

### **IV. CFA Oladele Salaam**

CFA Oladele Salaam is expected to testify regarding the forensic copies he made of the following digital devices seized pursuant to the search warrant that was executed on October 13, 2015, at defendant's residence: two 2GB Sandisk Cruzers, an 8GB PNY Attache, a 2GB Lexar USB, a Spring HTC Hero200 phone, a 2GB Sandisk MicroSD in the HTC Hero200 phone, an HTC PG06100 EVO Shift 4G phone, a 2GB SanDisk Micro SD in the HTC PG06100 EVO Shift 4G phone, a Dell XPS 210 laptop computer, a Dell Inspiron mini computer, a 500GB Seagate LaCie Branded External Drive, a 32 GB Apple iPhone 4s, and a 16MB Canon SD card.

Specifically, CFA Salaam is expected to testify about the content of those digital devices; the location of certain text, image, and video files on those devices; whether those files reside in allocated or unallocated space; and when and how those files were created or placed on the devices. The government anticipates that his testimony will be primarily that of a percipient witness. Nevertheless, the government hereby also provides expert notice of CFA Salaam's testimony in an abundance of caution. This testimony would be based upon his specialized training and experience in the field of computer forensics. CFA Salaam's testimony is expected to be consistent with his report previously produced at HAJ000559–HAJ000574 . His curriculum vitae is attached hereto.

Rossi  
RE: U.S. v. Harper, 15-595-RGK  
June 29, 2016  
Page 3

Very truly yours,

/s/

George E. Pence  
Assistant United States Attorney  
General Crimes Section

Enclosures

## **EXHIBIT B**

**From:** [Pence, George \(USACAC\)](#)  
**To:** [Rachel Rossi](#)  
**Cc:** [carley.palmer@usdoj.gov](mailto:carley.palmer@usdoj.gov)  
**Subject:** U.S. v. Harper  
**Date:** Wednesday, July 6, 2016 5:07:00 PM  
**Attachments:** [David Jones CV.pdf](#)  
[David Yearly CV.pdf](#)

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Dear Rachel,

On June 29, 2016, I provided you with written notice of the government's intention to call David Jones as an expert witness at trial in the above-referenced case, and on July 3, 2016, I provide you with written notice of the government's intention to call David Yearly as an expert witness at trial in the same case. Please find attached CVs for both of these witnesses.

Best regards,

George

**George E. Pence | Assistant United States Attorney**  
1200 United States Courthouse | 312 N. Spring St. | Los Angeles, California 90012  
T: 213.894.2253 | F: 213.894.0141 | [george.pence@usdoj.gov](mailto:george.pence@usdoj.gov)

# DAVID MARK VERRIER JONES

2923 Grayson Ave, Venice, CA, 90291 • Phone: (310) 403-1494 • E-Mail: [damajo@mac.com](mailto:damajo@mac.com) • [rampagefx.com](http://rampagefx.com)

## TV CREDITS:

### Dragons: Race to the Edge

(Director - 3 episodes)

- Have Dragon Will Travel, Part One (2015) ... (as David M. V. Jones)
- A Time to Skrill ... (as David M. V. Jones)
- Snow Way Out ... (as David M. V. Jones)

### Dragons: Race to the Edge

(Visual Effects Supervisor - 66 episodes)

- Night of the Hunters, Part Two (2016) ... (visual effects supervisor)
- Night of the Hunters, Part One (2016) ... (visual effects supervisor)
- Team Astrid (2016) ... (visual effects supervisor)
- Imperfect Harmony (2015) ... (visual effects supervisor)
- Total Nightmare (2015) ... (visual effects supervisor)
- The Next Big Sting (2015) ... (visual effects supervisor)
- Have Dragon Will Travel, Part Two (2015) ... (visual effects supervisor)
- Have Dragon Will Travel, Part One (2015) ... (visual effects supervisor)
- Quake, Rattle and Roll (2015) ... (visual effects supervisor)
- Crushing It (2015) ... (visual effects supervisor)
- Reign of Fireworms (2015) ... (visual effects supervisor)
- Dragon Eye of the Beholder, Part Two (2015) ... (visual effects supervisor)
- Gone Gustav Gone (2015) ... (visual effects supervisor)
- Big Man on Berk (2015) ... (visual effects supervisor)
- When Darkness Falls (2015) ... (visual effects supervisor)
- Dragon Eye of the Beholder, Part One (2015) ... (visual effects supervisor)
- Maces and Talons, Part Two ... (visual effects supervisor)
- Maces and Talons, Part One ... (visual effects supervisor)
- A Time to Skrill ... (visual effects supervisor)
- Snow Way Out ... (visual effects supervisor)
- Shock and Awe ... (visual effects supervisor)
- Edge of Disaster: Part Two ... (visual effects supervisor)
- Edge of Disaster, Part One ... (visual effects supervisor)
- The Zibbleback Experience ... (visual effects supervisor)
- Snotlout Gets the Axe ... (visual effects supervisor)
- Bad Moon Rising (2016) ... (visual effects supervisor)
- Cast Out: Part II (2014) ... (visual effects supervisor)
- Cast Out, Part I (2014) ... (visual effects supervisor)
- Bing! Bam! Boom! (2014) ... (visual effects supervisor)
- Smoke Gets in Your Eyes (2014) ... (visual effects supervisor)



- The Eel Effect (2014) ... (visual effects supervisor)
- A Tale of Two Dragons (2014) ... (visual effects supervisor)
- Frozen (2014) ... (visual effects supervisor)
- Free Scauldy (2014) ... (visual effects supervisor)
- The Flight Stuff (2014) ... (visual effects supervisor)
- A View to a Skrill Part 2 (2013) ... (visual effects supervisor)
- A View to a Skrill: Part 1 (2013) ... (visual effects supervisor)
- Zippieback Down (2013) ... (visual effects supervisor)
- Appetite for Destruction (2013) ... (visual effects supervisor)
- Worst in Show (2013) ... (visual effects supervisor)
- Fright of Passage (2013) ... (visual effects supervisor)
- Race to Fireworm Island (2013) ... (visual effects supervisor)
- Tunnel Vision (2013) ... (visual effects supervisor)
- The Night and the Fury (2013) ... (visual effects supervisor)
- The Iron Gronckle (2013) ... (visual effects supervisor)
- Live and Let Fly (2013) ... (visual effects supervisor)
- We Are Family: Part 2 (2013) ... (visual effects supervisor)
- We Are Family: Part 1 (2013) ... (visual effects supervisor)
- Gem of a Different Color (2013) ... (visual effects supervisor)
- Breackneck Bog (2013) ... (visual effects supervisor)
- Defiant One (2013) ... (visual effects supervisor)
- Twinsanity (2013) ... (visual effects supervisor)
- What Flies Beneath (2013) ... (visual effects supervisor)
- When Lightning Strikes (2012) ... (visual effects supervisor)
- Thawfest (2012) ... (visual effects supervisor)
- Heather Report, Part II (2012) ... (visual effects supervisor)
- Heather Report Part 1 (2012) ... (visual effects supervisor)
- Dragon Flower (2012) ... (visual effects supervisor)
- Portrait of Hiccup as a Buff Man (2012) ... (visual effects supervisor)
- How to Pick Your Dragon (2012) ... (visual effects supervisor - as David M.V. Jones)
- Alvin and the Outcasts (2012) ... (visual effects supervisor - as David M.V. Jones)
- In Dragons We Trust (2012) ... (visual effects supervisor - as David M.V. Jones)
- The Terrible Twos (2012) ... (visual effects supervisor - as David M.V. Jones)
- Animal House (2012) ... (visual effects supervisor - as David M.V. Jones)
- How to Start a Dragon Academy (2012) ... (visual effects supervisor - as David M.V. Jones)
- Viking for Hire (2012) ... (visual effects supervisor - as David M.V. Jones)

#### FILM CREDITS

- Alvin and the Chipmunks: Chipwrecked (visual effects supervisor: Rampage VFX)
- Project Five (TV Movie) (2011) (visual effects supervisor: Rampage VFX)
- The Change-Up (2011) (visual effects supervisor: Rampage VFX/Dyfed - as David M.V. Jones)
- Charlie St. Cloud (2010) (visual effects supervisor: Rampage VFX)
- Blood Creek (2009) (visual effects supervisor: R!OT)

- The Time Traveler's Wife (2009) (visual effects supervisor - as David M.V. Jones)
- X-Men Origins: Wolverine (2009) (visual effects supervisor: R!OT)
- 17 Again (2009) (visual effects supervisor: R!OT)
- The Spirit (2008) (visual effects supervisor: R!OT)
- The Seeker: The Dark Is Rising (2008) (visual effects: R!OT - as David M.V. Jones)
- Hairspray (2007) (visual effects supervisor: Riot - as David M.V. Jones)
- Live Free or Die Hard (2007) (visual effects supervisor: R!OT)
- The Number 23 (2007) (visual effects consultant: Intelligent Creatures Inc.)
- Primeval (2007) (plate supervisor: Luma Pictures)
- The Phantom of the Opera (2004) (visual effects supervisor: Asylum - as David M.V. Jones)
- 13 Going on 30 (2004) (visual effects supervisor: Asylum)
- The Girl Next Door (2004) (visual effects supervisor: Asylum)
- Bad Boys II (2003) (visual effects supervisor: Asylum)
- Charlie's Angels: Full Throttle (2003) (visual effects supervisor: Asylum)
- Down with Love (2003) (visual effects supervisor: Asylum - as David M.V. Jones)
- Ticker (Short) (2002) (visual effects supervisor: Asylum - as David M.V. Jones)
- The Ring (2002) (visual effects supervisor: Asylum - as David M.V. Jones)
- The Master of Disguise (2002) (visual effects supervisor: Asylum - as David M.V. Jones)
- Joe Somebody (2001) visual effects supervisor: Asylum Effects - as David M.V. Jones)
- Black Hawk Down (2001) (visual effects supervisor: Asylum - as David M.V. Jones)
- Behind Enemy Lines (2001) (visual effects supervisor: Asylum - uncredited)
- Shallow Hal (2001) (visual effects supervisor: Asylum - uncredited)
- The Animal ((2001) visual effects supervisor: Manex Visual Effects)
- Hollow Man (2000) (senior CG supervisor: SPI)
- Paulie (1998) (digital effects supervisor: SPI)
- The Postman (1997) (CG supervisor: SPI)
- Contact (1997) (sequence supervisor: SPI)
- Escape from L.A. (1996) (CG supervisor: Buena Vista)
- The Phantom (1996) (computer generated art: Buena Vista Visual Effects)
- Ace Ventura: When Nature Calls (1995) (3D artwork: Buena Vista Visual Effects)
- Mortal Kombat (1995) (CG supervisor: Buena Vista)

## **BIO:**

However David started his career as a “Shader Writer” which is a very technical position that relies on a great understanding of how color and light reacts to surfaces, which is at the core of the understanding of VFX. It's with this immense understanding, great attention to detail, combined with a fantastical imagination that propelled David to the level of VFX supervisor.

David's vast experience both on and off set closely collaborating with directors to achieve unique and stunning visual effects for a wide variety of films, from huge block buster action movies such as “Charlie's Angels: Full Throttle” and, “Die Hard” to more artistic ventures like, “The Phantom of the Opera” and “Hairspray”

David's career has seen him work at most of the largest VFX companies in the world. Companies such as Disney, Boss Films, Manix, Sony Pictures Imageworks, Asylum, and Riot both working in house and on the studio side. Due to David's advanced leadership skills he has been able to supervise large shows (as many 800 plus shots) from conception through to final delivery.



David B. Yeary  
Homeland Security Investigations  
RAC Wilmington DE  
1105 North Market Street, Suite 101  
Wilmington, DE 19801  
(302)363-2394  
[David.Yeary@ice.dhs.gov](mailto:David.Yeary@ice.dhs.gov)

### **Employment History**

March 2003-Present, Special Agent  
Department Of Homeland Security

December 2002- March 2003, Special Agent  
Immigration and Naturalization Service

March 1993-December 2002, Detention Enforcement Officer  
Immigration and Naturalization Service

April 1992- March 1993, Access Control/Computer Security  
NASA

October 1991-March 1992, Border Patrol Agent,  
U.S. Border Patrol

### **Professional Training**

United States Border Patrol Academy October 1991  
Federal Law Enforcement Training Center, Glynco, GA

Criminal Investigators Training Program, March 2003  
Federal Law Enforcement Training Center, Glynco, GA

Strategic Investigations Course, February 2004  
Federal Law Enforcement Training Center, Glynco, GA

Federal Air Marshals Training, June 2004  
Atlantic City, New Jersey

Basic Computer Evidence Recovery Training (BCERT) July 2009  
Federal Law Enforcement Training Center, Glynco, GA

Basic Cellphone Examinations (Cellebrite) September 2009  
Homeland Security Investigations (HSI) Cyber Crimes Center (C3)

HSI C3 Computer Forensics Training Conference, August 2010  
Phoenix, AZ

MAC Advance Forensic Acquisitions and Analysis, March 2011  
Dover, DE

VIA Forensics Advance Cellphone Examinations, October 2011  
Chicago, IL

Advance Cellphone Examinations (Cellebrite) June 2012  
HSI C3

Advance Computer Evidence Recovery, Network Intrusions, March 2013  
HSI C3

Net Clean Software Training, March 2014  
HSI C3

NUIX Software and Certification Training, April 2015  
NUIX Training Center

Encase 7 Training and Certification, May 2015  
Dover, De

MAC Forensics and Acquisition Training and Certification Aug 2015

Human Trafficking Conference Ocean City MD, March 2016